



## ALABAMA BOARD OF COSMETOLOGY AND BARBERING

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Minutes for the Board Meeting  
January 8, 2018  
10:00 a.m.  
100 North Union Street, Suite 324  
Montgomery, Alabama 36104

Mr. McDonald called the meeting to order at 10:02 a.m. and presided over the meeting. The members present were: Floyd McDonald, Bobby Luster, Kathy Linden, Michelle Callahan-Alvis and Shirlye Phan. General Jackson and Tracy Smith were absent due to illness. A quorum of the Board members was present. Jodi Respass was present as Acting Executive Director. Todd Hughes from the Attorney General's Office was present as legal counsel. The office staff member present was Carol Reynolds. The visitors present were Kevin Diep, Orson Steward and Chris Kennedy.

The invocation was given by Ms. Linden. Roll call was taken.

Ms. Callahan-Alvis made a motion to accept the minutes as presented from the October 2, 2017, 2017 meeting. Ms. Linden seconded. All ayes, the motion carried.

Mr. Diep stated that he did something wrong before. He is going to school and wants to get his license so he can work. If he doesn't work, he has no money. Mr. McDonald stated that the Board will let him know at a later date if he will be allowed to take the exams.

Mr. Steward discussed the letter he had previously sent to the Board requesting that the written exam be given in other languages than just English. He stated that the candidates would rather take the exam in a language they are familiar with. Alabama accepts licenses from other states that give the same exam in other languages, such as Texas. He requested that the Board remove the bias in the exam process. Ms. Phan stated that she was fortunate to be born in the U.S. and is fluent in English. She stated that about 90% of the manicurists are Vietnamese and are hardworking people. Ms. Respass stated that Georgia and Mississippi only give the exam in English and if someone takes the exam in another state in another language, the person must re-take the exam in these states in English. Tennessee and Louisiana give the written exam in all languages available. Mr. McDonald stated that our Board used to give the written exam in more languages. Ms. Respass stated that the failure rate was much higher in the different languages. Ms. Phan stated that some people feel they don't have to study, but she is willing to help. Ms. Respass stated that if a person takes the exam in one language and fails, the person could change to a different language when taking it for the second or third time.

At 10:15, Mr. Luster made a motion to move from the regular meeting into the public hearing. Ms. Linden seconded. All ayes, the motion carried. *For Chapter 250-X-5-.13* for the Requirements for a Natural Hair School, Ms. Linden made a motion to accept the new Rule. Ms. Phan seconded. All ayes, the motion carried.

At 10:17, Mr. Luster made a motion to move from the public hearing back to the regular meeting. Ms. Callahan-Alvis seconded. All ayes, the motion carried.

Mr. Steward continued with his conversation concerning the language(s) used for the written exam. He stated that having to retake the exam in English is not consistent as Georgia requires. He stated this puts an unnecessary barrier and expense for people to become licensed. Ms. Respass stated that PSI offers the written exam in English, Spanish, Korean and Vietnamese and that PSI would not be able to change from English only to all languages until late March. Ms. Phan stated it would help out the Vietnamese community a lot. Ms. Respass stated that the written exam used to be given by bubbling in on a sheet of paper and that it may be easier on a computer. Mr. Luster made a motion to administer the written exam in all languages. Ms. Phan seconded. All ayes, the motion carried.

For Complaint #3139: Ms. Linden made a motion to accept the Administrative Law Judge's recommendation of a fine of \$1,000.00 plus administrative hearing costs. If not paid within thirty (30) days, suspend personal and shop licenses until Respondent fully complies with the Final Order. Mr. Luster seconded. All ayes, the motion carried.

For Complaint #3354: Ms. Callahan-Alvis made a motion to accept the Administrative Law Judge's recommendation of a fine of \$750.00 plus administrative hearing costs. If not paid within thirty (30) days, suspend personal and shop licenses until Respondent fully complies with the Final Order. Mr. Luster seconded. All ayes, the motion carried.

For Complaint #3356: Ms. Linden made a motion to accept the Administrative Law Judge's recommendation of a fine of \$750.00 plus administrative hearing costs. If not paid within thirty (30) days, suspend personal and shop licenses until Respondent fully complies with the Final Order. Ms. Callahan-Alvis seconded. All ayes, the motion carried.

For Complaint #3362: Ms. Callahan-Alvis made a motion to accept the Administrative Law Judge's recommendation of a fine of \$875.00 plus administrative hearing costs. If not paid within sixty (60) days, suspend shop license until Respondent fully complies with the Final Order. Ms. Linden seconded. All ayes, the motion carried.

For Complaint #3367: Ms. Callahan-Alvis made a motion to accept the Administrative Law Judge's recommendation of a fine of \$375.00 plus administrative hearing costs. If not paid within thirty (30) days, suspend personal and shop licenses until

Respondent fully complies with the Final Order. Mr. Luster seconded. All ayes, the motion carried.

For Complaint #3368: Ms. Callahan-Alvis made a motion to accept the Administrative Law Judge's recommendation of a fine of \$1,500.00 plus administrative hearing costs. If not paid within thirty (30) days, suspend personal and shop licenses until Respondent fully complies with the Final Order. Mr. Luster seconded. All ayes, the motion carried.

For Complaint #3372: Ms. Linden made a motion to accept the Administrative Law Judge's recommendation of a fine of \$375.00 plus administrative hearing costs. If not paid within thirty (30) days, suspend personal and shop licenses until Respondent fully complies with the Final Order. Ms. Callahan-Alvis seconded. All ayes, the motion carried.

For Complaint #3374: Ms. Callahan-Alvis made a motion to accept the Administrative Law Judge's recommendation of a fine of \$500.00 plus administrative hearing costs. If not paid within thirty (30) days, suspend personal and shop licenses until Respondent fully complies with the Final Order. Mr. Luster seconded. All ayes, the motion carried.

There was a discussion concerning foot files with holes (cheese grater style). Ms. Phan brought one that she had purchased. She stated that the foot file helps the nail technician out a lot if used properly, that the technician can be quicker with a foot file than with a pumice stone and that the files are not banned in any other state. Ms. Respass suggested that Ms. Phan leave the foot file packaging with her and the office will research and give the information to the full Board.

Ms. Respass stated that we are going to have to re-bid the exams this year because we need new contracts by the first of October. Ms. Respass stated that we have had some high school students who were in a cosmetology program in high school. These students got out of high school in May, received hours in a private school for the two summer months, then went back to high school. There was a discussion concerning whether the students were enrolled in two schools at the same time. Several other situations with high school students were discussed.

Mr. Luster stated that his term is up and he is moving on, but is thankful for his time on the Board. Ms. Respass stated that Board Members hold over until a replacement is named.

Ms. Callahan-Alvis made a motion to adjourn at 10:51. The next meeting is scheduled for April 9, 2018 at 10:00 a.m.

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General Jackson, Secretary                      date

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Floyd McDonald, Chair                      date

Carol A. Reynolds  
Recording Secretary